

IN RE: LUIS R RIVERA RIVERA
WANDA I SOSA RODRIGUEZ

Bankruptcy Number: **14-05718-MCF**
Chapter 13

STANDING CHAPTER 13 TRUSTEE §341 MEETING MINUTES AND REPORT ON CONFIRMATION

Petition Filing Date: **07/11/2014**

First Meeting Date: **08/14/2014 at 2:00PM**

Days From Petition Date: **35**

341 Meeting Date: **08/14/2014 at 2:00PM**

910 Days Before Petition: **01/13/2012**

Confirmation Hearing Date: **09/05/2014 at 1:30PM**

Chapter 13 Plan Date: **07/11/2014** ☐ Amended

Plan Base: **\$7,200.00** Plan Docket #**2**

This is Debtor(s) **1** Bankruptcy petition.

This is the **1** scheduled meeting.

Payment(s) ☐ Received or ☒ Evidence shown at meeting:

Total Paid In: **\$200.00**

Check/MO# **3996**

Date: **8/7/2014** Amount: **\$ 200.00**

*APPEREANCES: ☐ Telephone ☐ Video Conference

Debtor: ☒ Present ☐ Absent ☒ ID & Soc. OK

Joint Debtor: ☒ Present ☐ Absent ☒ ID & Soc. OK

☒ Examined ☐ Not Examined under Oath

☒ Examined ☐ Not Examined under Oath

Attorney for Debtor(s): ☐ Not Present ☒ Present

Name of Attorney Present (Other than Attorney of Record): _____

☐ Pro-se

☒ Creditor(s) Present ☐ None

MELCHOR FIRST BANK*
VILCHES BPPR CONSUMER*

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **MIRIAM A MURPHY LIGHTBOURN***

Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$200.00** Outstanding (Through the Plan): **\$2,800.00**

*TRUSTEE'S REPORT ON CONFIRMATION & STATUS OF §341 MEETING

Debtor(s) Income is (are) ☐ Under ☒ Above Median Income

Liquidation Value: **\$ 375.00**

Commitment Period is ☐ 36 months ☒ 60 months §1325(b)(1)(B)

Projected Disp. Inc.: **\$ 0.00**

The Trustee: ☐ NOT OBJECTS ☒ OBJECTS Plan Confirmation Gen. Uns. Approx. Dist.: **0.00 %**

§341 Meeting ☐ CONTINUED ☐ NOT HELD ☒ CLOSED ☐ HELD OPEN FOR ____ DAYS

§341 Meeting Rescheduled for: _____

Comments:

*TRUSTEE'S OBJECTIONS TO CONFIRMATION: NOTICE: LBR 3015-2(c)(6) The debtor must within seven (7) days after service of the objection file either: (A) an amended plan that addresses each objection; or (B) a reply setting forth the facts and legal arguments that give rise to the reply in sufficient detail to allow each objector, if possible, to reconsider and withdraw its objection.

[1322(d)(1)] Plan fails to comply with Applicable Commitment Period.

Debtors are above median income Debtors with a commitment period of 60 months. The plan does not pay 100% to unsecured creditors. Actually, at the present time, the plan is insufficiently funded to pay what they propose to pay. Debtor's plan must be amended to increase payments to from 36 months to 60.

[1325(a)(6)] Payment Default Feasibility – Debtor(s) is in default with proposed plan payments, to the trustee and/or creditor(s).

Debtor has failed to commence making payments

[1325(b)(1)(B)] Projected Disposable Income – Debtor(s) fails to apply projected disposable income, to be received during applicable commitment period, to make payments to unsecured creditors under the plan. [1322(a)(1)]

- Fails to increase plan payments after concluding secured loan(s) payments.

Debtors have failed to include Christmas Bonuses in Schedule I (\$500.00 joint debtor and \$800.00 debtor).

Debtor may only retain up to \$1,200.00 of his/her Christmas Bonus per household. Any excess over said amount must be surrendered on a yearly basis to fund the plan. Debtors' Christmas Bonuses totals approximately \$1,300.00. The plan must be amended in order to include yearly lump sum payments in the amount of \$100.00 to be paid every December.

Debtors have failed to include step up, upon maturity of retirement loan, in the correct month. Said step up should commence on month 44 (March 2018/\$114.00 a month).

*OTHER COMMENTS / OBJECTIONS

The plan fails to provide treatment for Island Finance's secured claim as per POC No. 6. Debtor understands that said debt is unsecured. Debtor might object said claim.

BPPR and CRIM, alleged secured creditors provided for in the plan, are yet to file their proof of claims. Said creditors will not participate from the disbursements until they file their claims. In absence of said claims Debtor must submit evidence of the secured status of said creditors in order to confirm that the treatment being provided does not constitute unfair discrimination against other parties in the case.

/s/ Nannette Godreau, Esq.
Presiding Officer